

17-MAR-2006 14:56 Von: CLARIANT PAT. DEPT. +49 6196 7518332

PCT/EP2004/003771

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis, 31c and 72.2)

To:

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Date of mailing (day/month/year)  
23 March 2006 (23.03.2006)

Applicant's or agent's file reference  
2003DE110

## IMPORTANT NOTIFICATION

International application No.  
PCT/EP2004/003771

International filing date (day/month/year)  
08 April 2004 (08.04.2004)

Applicant  
CLARIANT GMBH et al

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II):

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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Translation

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 34 and Rule 70)

Applicant's or agent's file reference <b>2003DE110</b>	FOR FURTHER ACTION		See Form PCT/ISA416
International application No. <b>PCT/EP2004/003771</b>	International filing date (day/month/year) <b>08.04.2004</b>	Priority date (day/month/year) <b>22.04.2003</b>	
International Patent Classification (IPC) or national classification and IPC			
Applicant <b>CLARIANT GMBH</b>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing modifications authorized by this Authority (see Rule 78.16 and Section 607 of the Administrative Instructions)</p> <p><input type="checkbox"/> sheets which supersede earlier sheets in which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carriers)</p> <p>_____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions)</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 34(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand		Date of completion of this report	
Name and mailing address of the IPH/APP		Authorized officer	
Facsimile No.		Telephone No.	

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003771

Box No. 1

Basis of the report

1 With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item:

☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))  
☐ publication of the international application (Rule 12.4)  
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2 With regard to the elements of the international application, this report is based on (replacement) sheets which have been furnished to the receiving Office in response to an invitation under Article 14 and referred to in this report as "originally filed" and are not annexed to this report:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-35 \_\_\_\_\_ as originally filed/furnished

page 8 \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages 4 \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

nos. \_\_\_\_\_ as originally filed/furnished

nos. 1-8 \_\_\_\_\_ as amended (together with any statement) under Article 19  
 15.09.2004 with letter  
 of 13.09.2004

nos. 1-8 \_\_\_\_\_ received by this Authority on \_\_\_\_\_

nos. \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

sheets \_\_\_\_\_ as originally filed/furnished

sheets \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing under any reduced table(s) - see Supplemental Box Relating to Sequence Listing

☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/Figs. \_\_\_\_\_

☐ the sequence listing (specific). \_\_\_\_\_

☐ any table(s) related to sequence listing (specific). \_\_\_\_\_

4 ☐ This report has been established as if (none of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c))

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/Figs. \_\_\_\_\_

☐ the sequence listing (specific). \_\_\_\_\_

☐ any table(s) related to sequence listing (specific). \_\_\_\_\_

\* If item 4 applies, some or all of these sheets may be marked "superseded"

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003771

Ann. No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
 citations and explanations supporting such statement

1. Statements			
Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

1. This report refers to the following documents:

D1: WO-A-0036030  
 D2: US-A-5938830  
 D3: EP-A-19712486.

## 2. PCT Article 33(2):

Document D1 (table 1 and page 8, lines 8-10) describes aqueous inks containing a pigment, a succinamate and a polyethylene glycol alkyl ether (Tergitol 15-S-7), wherein the succinamates are alternatives to the succinates on page 8.

The polyethylene glycol alkyl ethers of document D1 do not have the structural X group in formula I. Document D2 (claims, examples, and column 6, lines 55-64, column 7, line 5) also describes aqueous inks.

The polyethylene glycol alkyl ethers of document D2 are missing either the structural X group or the group R<sub>1</sub> in formula I.

Form. PCT/EP2004/003771 (Ann. No. V) (January 2004)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003771

Box No. V

Reasoned statement under Article 35(1) with regard to novelty, inventive step or industrial applicability;  
 objections and explanations regarding such statement

The subject matter of claims 1-9 is therefore novel.

3. PCT Article 33(3):

The styrene-phenol condensates (optional components in the present claims) are already known as additives in aqueous inks (see document D3, page 5, lines 27-67).

Proceeding from the cited prior art (documents D1 or D2), the variation wherein the polyethylene glycol alkyl ethers have the structural X group in formula I in order to obtain an outstanding dispersion stability of the pigment preparations was not obvious.

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